THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.25604 OF 2006

DATED: 19-02-2007

BETWEEN

Md. Asma, D/o. Mohd Azeez,
Studying Inter II year M.P.C.,
At Kakatiya Mahila College,
Rep. through her father
Mohd. Azeez, S/o. Bahaddur Ali,
RTC Mechanic, Narsampet Depot,
R/o. H.No.4-1-116, Kotturjanda,
Lashkar Bazar, Hanmakonda,
Warangal District.

...PETITIONER

AND

Government of Andhra Pradesh,
Re. Through Secretary, Home
Department, Secretariat,
Hyderabad and others.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the respondents in not immediately registering the offence under proper Sections against the culprits namely Martha Ramesh, Yuvaraj, Balu, Chandrika and Arundhati, instead of registering the offence against Ramesh only under Section 366-A of the Indian Penal Code, 1860 and allowing the culprits to move freely threatening her and her parents as illegal and arbitrary.

2. Learned Government Pleader has obtained written instructions wherein it is stated that one Mohd. Azeez lodged a complaint before P.S. Subedari that one Ramesh informed the father of the petitioner over his cell

phone that he took away his daughter – Asma – petitioner herein, from Kakatiya Mahila College at Nakkalgutta. On the said information a case in Cr.No.323 of 2006 had been registered for the offence under Section 366(A) IPC, investigation was taken up and the accused – Ramesh, was arrested on 10.08.2006. Based on the statement of the victim under Section 164 of Code of Criminal Procedure, 1973, recorded on 31.07.2006, the charge was altered adding Sections 343 and 376 IPC to 366(A) IPC and the medical test was also conducted over the victim. It is stated that a final report is yet to be filed immediately after receipt of the Forensic Science Laboratory report with regard to potency of the accused. It is stated that as per the evidence the involvement of Yuvaraj, Balu and Chandrika Reddy is not elicited and the intention of the victim in deposing in her 164 Cr.P.C. statement is after thought and far away from truth. Insofar as the bail to the accused is concerned, it is stated that the SI Subedari filed a bail cancellation petition in Crl.M.P.No.1824 of 2006, which was dismissed on 14.11.2006, and further steps have been taken for filing revision petition for the cancellation of bail petition of the sixth respondent.

3. When the investigation is almost over, if the petitioner is dissatisfied with the manner and method of investigation and disagrees with the final report yet to be filed, it is always open to him to file a private complaint under Section 200 Cr.P.C before the concerned Magistrate for taking appropriate action. Thus, in view of the aforesaid facts and circumstances, I am not inclined to express any opinion with regard to the allegations made in the writ petition.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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V. ESWARAIAH, J

February 19, 2007
DSK